MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2020/2021

UPP4612 – PROFESSIONAL PRACTICE I

(All Sections / Groups)

30 OCTOBER 2020

Reading Time: 9.00 am – 9.15 am

Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Legal Profession Act (1076);
   ii. Legal Profession (Amendment) Act 2006; and
   iii. Legal Profession (Practice and Etiquette) Rules 1978 "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A.
ANSWER ALL QUESTIONS

QUESTION 1

Maniam has been charged for theft at Kuala Lumpur Sessions Court. He appointed Mr. Counsel to defend him. After several days of trial, he has been found guilty and the sentences sentenced to three (3) years imprisonment. Mr Counsel has done his best and managed to mitigate the sentence to two (2) years imprisonment.

Upon being released from prison 2 years later, Maniam immediately filed a negligence suit against Mr. Counsel, claiming that Mr Counsel had failed to handle his case properly and has forgotten to address a vital evidence which would have proven Maniam's innocence. Mr. Counsel claims immunity from negligence by relying to the case of Rondels v Worseley (1967) 3 All ER 993.

Explain to Mr Counsel whether he can claim the immunity?

(Total : 25 marks)

QUESTION 2

What do you understand with the terms " duties of council to the court" and explain at least three (3) of that duties. Your answers must be supported with relevant provisions and case law.

(Total : 25 marks)

QUESTION 3

Sabrina, the managing partner of Messrs Sabrina & Co has 15 year standing experience and she was very notable for being a good corporate lawyer. One day, she received an invitation from his friend in Singapore asking her to extend the service of the firm to that country. Sabrina was very excited and decided to published a brochure containing her firm's achievements including their profile and areas of specialization and extended the publication in a magazine known as "Corporate Life" that is widely circulated in Asia Pacific Region.

Discuss the ethical issues arising (if any) in Sabrina's conduct with regard to the law on publicity for advocates and solicitors.

(Total : 25 marks)

Continued...

PART B.
ANSWER ONE (1) OUT OF TWO (2) QUESTIONS.

QUESTION 4(A)

The disciplinary Board has been established under the Legal Profession Act 1976 (the Act) for the purpose of taking disciplinary action against any advocates and solicitors who commits misconduct in his professional capacity.

Analyse the following:

(a) The powers of the Disciplinary Boards and the stages of disciplinary proceedings as prescribed by the Act; and

(15 marks)

(b) Whether a complaint can be lodge against a pupil reading in chambers? State the relevant case and provisions in your answers.

(10 marks)

(Total: 25 marks)

QUESTION 4(B)

(a) XianYi and XianLi are both partners in Xian & Co. The firm has 2 branches and each of the partners handle each of the branches. XianYi's branch in Melaka has 2 lawyers and 3 clerks and XianLi's branch in JB has 3 lawyers and 3 clerks. They managed their firms separately and never share any information about their clients.

XianYi has been acting for Bank Cepat Kaya (BCP) for several years and Bank Kaya Raya (BKR) has been represented by XianLi. Few months ago, they entered into one joint venture agreement and both BCP and BKR are aware that they are represented by the same firm.

Recently negotiation between BCP and BKR failed and BCP decided to take action against BKR for breach of the terms of the contract.

Advise XianYi and XianLi whether they can act for their clients and whether they will breach any ethical priciples or rules of professional conduct for acting for BCP and BKR. Support your answer with relevant provisions and case law.

(15 marks)

Continued...

(b) Analyse the concept of contempt of court and when is the conduct of an advocate and solicitor in court regarded as being in contempt of court? Discuss this issue with reference to relevant provisions and case law.

(10 marks)

(Total: 25 marks)

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